

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. JOHN CORBETT O'MEARA

v.

TREMAINE JOHNSON

Defendant.

CASE NO. 13-20471

F I L E D
JUN - 6 2014
CLERK'S OFFICE
U.S. DISTRICT COURT
ANN ARBOR, MI

ORDER DENYING DEFENDANT'S MOTION TO DISMISS FOR LACK OF SPEEDY TRIAL

This matter coming before the Court on defendant Tremaine Johnson's March 16, 2014, motion to dismiss for lack of speedy trial and for a hearing. The government filed a response on April 7, 2014. No reply was filed. The court heard oral argument on the motion on May 29, 2014. The following events relate to the motion that is the subject of this order:

1. On June 20, 2013, a one count indictment charging defendant Tremaine Johnson with felon in possession of a firearm was filed;
2. On November 13, 2013, defendant appeared before this Court for a change-of-plea hearing. On that date, defendant requested new counsel;
3. On November 21, 2013, Ms. Mannarino was appointed to represent defendant;
4. Thereafter, the parties agreed to adjourn the trial date in order to exchange and review discovery, to continue to engage in plea negotiations and to accommodate the scheduling needs of both parties and this Court;
5. On December 9, 2013, this Court entered an Order, pursuant to and based on the parties' agreed stipulations, that adjourned the trial date to April 1, 2014, and ordered that the time period from November 13, 2013, to April 1, 2014, constitutes excludable delay under 18 U.S.C. § 3161(h)(1)(A) and that the ends of

justice required that the trial date be adjourned and the time be excluded under § 3161(h)(7)(A).

6. On January 6, 2014, defendant filed a motion to suppress evidence;
7. On January 27, 2014, the government responded and a hearing on the motion was set for March 6, 2014;
8. This Court denied defendant's motion from the bench and issued a written order consistent with that opinion on March 11, 2014;
9. On March 16, 2014, defendant filed the instant motion to dismiss for lack of speedy trial;
10. The Court scheduled a trial date of June 3, 2014;
11. The government responded to defendant's speedy trial motion on May 1, 2014,
12. On May 26, 2014, defendant filed a motion to exclude evidence of prior conviction. The government's response is due June 16, 2014;
13. On May 29, 2014, a hearing on defendant's motion to dismiss for lack of speedy trial was held. This Court denied defendant's motion from the bench; and
14. Due to the Court's scheduling, the earliest date a hearing on defendant's motion to exclude evidence of prior conviction can be heard is July 23, 2014, and the earliest available trial date is August 19, 2014.

For the reasons stated on the record and articulated at the May 29, 2014, hearing, it is hereby **ORDERED** that defendant Tremaine Johnson's motion to dismiss for lack of speedy trial is DENIED;

It is **ORDERED** that good cause exists to adjourn the trial date to August 19, 2014;

It is **FURTHER ORDERED** that the time period from April 1, 2014, to August 19, 2014, is excludable under the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(D) and (7)(A). Specifically, the time period from April 1, 2014, to July 23, 2014, is excludable as delay resulting from defendant's pretrial motions, "from the filing of the motion through the

conclusion of the hearing on, or other prompt disposition of, such motion," under § 3161(h)(1)(D), and is hereby excluded in calculating the time within which the defendant shall be brought to trial under the Speedy Trial Act. Additionally, the time period from July 24, 2014, to the new trial date of August 19, 2014, is excludable delay under the Speedy Trial Act and that the ends of justice served by this delay outweigh the best interests of the defendant and the public in a speedy trial in that August 19, 2014, is the earliest date defendant's trial can be scheduled on the Court's criminal docket calendar.

IT IS FURTHER ORDERED that a total of 365 days has been excluded from the time in which defendant must be brought to trial under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(D) & (h)(7)(A).

Date: June 6, 2014



John Corbett O'Meara
United States District Judge